

LOCAL OPERATING PROCEDURES
UNITED STATES IMMIGRATION COURT
BOSTON, MASSACHUSETTS

Procedure 1: General

All matters shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at that time.

Procedure 2: Filing Procedure

- A. All documents, applications, and motions requiring payment of a fee shall be accompanied by a fee receipt from the Immigration Service or by an application for a fee waiver pursuant to 8 C.F.R. 3.24.
- B. The Immigration Judge may set and extend for good cause shown the time for the filing of all documents with the Immigration Court. Any application or document not timely filed shall be deemed waived/abandoned.
- C. In addition to complying with 8 C.F.R. 3.31 and 3.32, all documents filed with the Immigration Court shall be on 8 1/2" x 11" sized paper, two-hole punched at the top of the page with holes 2 3/4" apart. Unless otherwise instructed, all supporting documents of any application or motion shall be paginated with the first page as the table of contents and all pages consecutively numbered. The use of exhibit tabs with letter designations is acceptable. Documents not in compliance with the above may be rejected.

Procedure 3: Motions for Change of Venue

- A. In addition to complying with 8 C.F.R. 3.20, 3.23(a) and 3.32, all written motions for change of venue shall contain the respondent's plea to the allegations and charge(s) contained in the charging document; a designation of a country in the event of deportation or a refusal to designate such a country; the relief from deportation or exclusion, if any, to be sought by the respondent or applicant; and the date and time of the scheduled hearing before the Immigration Judge.
- B. A change of venue will not be granted unless an address is provided consisting of a fixed street address, city, state, and zip code, for the receipt of all notices.

Procedure 4: Withdrawal/Substitution of Representation

- A. Motions for withdrawal of representation shall be in writing or orally before the assigned IJ setting forth:
 - 1. The reason(s) for the withdrawal;
 - 2. That a good faith effort was made to locate alternate representation with a recitation of the specific efforts made, or that the Massachusetts Bar Association and Boston Bar Association telephone numbers were provided to the client;
 - 3. That the client was notified of the date of any scheduled hearing(s) before the Immigration Judge; of the necessity of appearing at such hearing; and of the consequences of failure to appear.
- B. Substituted counsel or representative shall forthwith file with the Immigration Court a properly completed Form EOIR-28, Notice of Entry of Appearance.

Procedure 5: Motions

All written motions presented to the Immigration Court shall set forth the alien's identifying data, the scheduled hearing date, and specific reasons therefor. The motion may be rejected unless all required information is provided. Except for emergency situations or for good cause shown and except as otherwise ordered by the court, all motions shall be filed with the Immigration Court no later than fourteen (14) calendar days prior to the scheduled hearing date. A response to any motion shall be filed with the Immigration Court no later than seven (7) days following date of service of said motion in hand, and no later than ten (10) days following service of said motion by mail. If no response is timely filed with the Immigration Court to the motion, the motion shall be deemed to be unopposed. Unless a motion for a continuance and/or for a change of venue has been granted, all parties are expected to be present and proceed with the hearing as scheduled.